

TUESDAY, January 12, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. McCulloch presented the petition of A. Martin ; referred to the committee on Claims and Accounts.

Mr. Throckmorton presented the petition of L. Balou, and E. Roland ; referred to the committee on Private Land Claims.

Mr. Grimes presented the memorial of the citizens of Danville in Montgomery county, asking incorporation ; referred to the committee on the Judiciary.

Mr. Potter made the following report :

The Judiciary committee has considered the amendments of the House to the Senate bill, supplemental to and amendatory of an act to ascertain legal claims for land and money against the State, passed August 1st, 1856, and direct me to return the same to the Senate, and recommend that the Senate concur in amendment, marked No. 1, and refuse to concur in the other amendments of the House.

On motion of Mr. Guinn, the rule was suspended, report taken up, read and adopted.

Mr. Wigfall made the following report :

The committee on State Affairs, report adversely to the petition of J. S. Nash & Co.

The committee on State Affairs, in compliance with instructions from the Senate, report a Joint Resolution to amend the Constitution, as to the payment of claims ; and also a Joint Resolution relative to a mail route from Marshall to Dallas, *via* Gilmer and Quitman, and recommend their passage :

Joint Resolution to amend the Constitution ; read first time.

On motion of Mr. Russell, the rules were suspended and the Joint Resolution, relative to the establishment of a mail route from Marshall to Dallas, was taken up, read and ordered to be engrossed ; rule suspended, Joint Resolution read third time and passed.

Mr. Taylor of 'Houston, presented the credentials of Hon. David M. Whaley, Senator elect from the 21st senatorial District, composed of the counties of Leon, Robertson, Brazos and Burleson, who came forward, took the oath prescribed by the Constitution, and his seat.

Mr. Taylor of Houston, introduced a bill for the relief of the widow and heirs of James W. Majors, deceased , read first

and second times and referred to the committee on Private Land Claims.

On motion of Mr. McCulloch, a bill to define the time of holding Courts in the 2nd Judicial District, was taken from the table, read and ordered to be engrossed ; rule suspended, bill read a third time and passed.

Mr. Burroughs offered the following resolution :

*Resolved*, That the committee on Internal Improvements be requested to enquire into the expediency of the State assuming to pay the amount subscribed by its citizens, for the improvement of the navigable waters of the State, and report by bill or otherwise—rejected.

Mr. Taylor of Fannin, introduced a bill granting certain privileges to John M. Debolle, assignee of Luciano Navarro ; read first and second times and referred to the committee on the Judiciary.

Mr. Taylor of Cass, introduced a bill appropriating 2000 sections of land to the support of Common Schools ; read first and second second times and referred to the committee on Education.

Mr. Britton introduced a bill to authorize the Commissioner of the General Land Office to correct errors and mistakes in the issuance of patents under certain acts therein named ; read first and second times and referred to the committee on the Judiciary.

On motion of Mr. Throckmorton, a bill to amend the 4th section of an act to provide for the investment of the Special School Fund, was taken from the table and read.

On motion of Mr. Throckmorton, the bill was amended by inserting after the word "length" in the fifth line from the bottom, the following :

"Or which commences on a navigable water course where there is no Railroad connection out of the State." The bill was then ordered to be engrossed.

On motion of Mr. Potter, the rule was suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Guinn, Herbert, McCulloch, Maverick, Pedigo, Pirkey, Potter, Quinan, Russell, Scarborough, Taylor of Cass, Taylor of Houston, Throckmorton, Truitt, Wigfall and Wren—23.

NAYS—Messrs. Lott, Martin and Whaley—3.

## ORDERS OF THE DAY.

A bill for the relief of the creditors and colonists of the German Emigration Company, etc. ; read and laid on the table.

The report of the select committee offering a bill to provide for the extinguishment of a portion of the Public Debt of the late Republic of Texas, as a substitute for a bill making an appropriation for the payment of a portion of the Public Debt of the late Republic of Texas, was read and laid on the table.

Mr. Russell Chairman of the committee on Engrossed Bills, reported a bill to define the time of holding the District Courts in the 2nd Judicial District, correctly engrossed.

Mr. Martin introduced, by leave, a bill to incorporate the town of Tellico in the counties of Ellis and Henderson, and a bill to prohibit the sale of spirituous, vinous or intoxicating liquors in the town of Tellico ; which were read first and second times and referred to the committee on the Judiciary.

The joint resolutions relating to the action of Commodore Paulding, in arresting and bringing back to the United States Gen. Wm. Walker, was taken up and read.

The question being upon a motion to refer them to a special committee, the motion prevailed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Graham, Guinn, Herbert, McCulloch, Martin, Maverick, Pedigo, Russell, Shepard, Taylor of Fannin, Taylor of Houston, Throckmorton, Truitt, Walker, Whaley and Wren—21.

NAYS—Messrs. Pirkey, Potter, Scarborough, Stockdale, Taylor of Cass, and Wigfall—6.

Mr. Throckmorton moved that the committee consist of twenty-five members of the Senate.

Mr. Herbert moved to amend the motion by striking out "twenty-five," and inserting "five," in lieu thereof—carried by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Graham, Guinn, Herbert, McCulloch, Pirkey, Quinan, Russell, Shepard, Stockdale, Taylor of Cass, Taylor of Houston, Truitt, Walker, Whaley and Wren—18.

NAYS—Messrs. Erath, Fall, Grimes, Lott, Martin, Maverick, Potter, Scarborough, Taylor of Fannin, Throckmorton and Wigfall—11.

The motion then prevailed as amended.

Messrs. Taylor of Cass, Graham, Caldwell, Walker and McCulloch, were appointed said committee.

On motion of Mr. Graham, Mr. Wigfall was added to the committee.

The resolution proposing to adjourn *sine die* on the 1st Monday in February, special order for to day, was read.

Mr. Taylor of Fannin, moved to lay it on the table—lost by the following vote :

YEAS—Messrs. Britton, Caldwell, Fall, Grimes, Guinn, McCulloch, Scarborough, Shepard, Stockdale, Taylor of Fannin; Truitt and Wigfall—12.

NAYS—Messrs. Burroughs, Erath, Herbert, Lott, Maverick, Pirkey, Potter, Quinan, Russell, Taylor of Cass, Taylor of Houston, Throckmorton, Walker, Whaley and Wren—15.

On motion of Mr. Guinn, a call of the Senate was ordered—absent, Messrs. Graham, Hyde, Martin, Paschal and Pedigo.

A message was received from the House informing the Senate that the House had passed,

A bill to create the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan, originating in that body ; and

A Senate bill to readjust the boundaries of San Patricio and Nueces counties.

A bill to provide for the assessment and collection of taxes, special order, was taken up and read.

On motion of Mr. Russell, the bill was amended by striking out section 10.

On motion of Mr. Throckmorton, section two was amended by striking out "two," and inserting "one" in lieu thereof, so as to make it read "one or more."

Mr. McCulloch moved to strike out section two.

On motion of Mr. Potter, the bill and amendment were laid on the table.

On motion of Mr. Potter, the vote taken to-day, passing a bill to amend the 4th section of an act to provide for the investment of the special School Fund, was reconsidered.

Mr. Potter offered the following amendments :

1st. In line 14, strike out all after the word "compelled" to "and," in the next line, and insert, "and furnished ready for actual use, there being completely graded and ready for the ties and other superstructure, at the time of such loan, not less than five consecutive miles of the road in advance of that on which the loan is proposed to be made.

2nd. Section 2. This act shall thake effect and be in force from and after its passage—adopted.

The Bill was then passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Guinn, McCulloch, Maverick, Pirkey, Potter, Quinan, Russell, Scarborough, Shepard, Stockdale, Taylor of Cass, Taylor of Houston, Throckmorton, Truitt, Whaley, Wigfall and Wren—24.

NAYS—Messrs. Lott, Martin and Walker—3.

The report of the committee on Claims and Accounts upon the petition of Mrs. Ann T. Hunt, was read and laid on the table.

The report of the Judiciary committee on a bill for the relief of D. P. Fowler, and J. S. McClellan, was read and laid on the table.

The amendment offered by Mr. Lott, to a bill to incorporate the Eastern Texas Railroad Company, making Henderson its nothern terminus, which was under consideration on yesterday when the Senate adjourned, was read and adopted.

Mr. Stockdale offered the following amendment :

Provided, That if when this road is completed to the town of Nacogdoches, the Galveston, Houston and Henderson Railroad shall have extended beyond that place on its line to Henderson, then, and in that case, the said Eastern Texas Railroad Company shall forfeit all right to continue their road beyond Nacogdoches, except for the purpose of connecting with said Galveston, Houston and Henderson Railroad at the nearest practicable point—adopted.

The bill was then ordered to be engrossed.

On motion of Mr. Graham, the rule was suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Fall, Graham, Guinn, Lott, Martin, Maverick, Pedigo, Pirkey, Potter, Russell, Scarborough, Stockdale, Taylor of Cass, Taylor of Fan-nin, Throckmorton, Truitt, Wigfall and Wren—21.

NAYS—Messrs. Grimes, Herbert, Quinan and Taylor of Houston—4.

A House bill for the relief of Zippore Whitesides, and the heirs of Henry Whitesides, was taken up and read.

On motion of Mr. Taylor of Cass, the caption was amended by adding, “and Robt. Hughes, Senr. ; and the body of the bill was amended by inserting after “land,” “and to Robt

Hughes, Senr., a certificate for one labor of land." The bill was then passed to a third reading ; rule suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Guinn, Herbert, McCulloch, Martin, Maverick, Pirkey, Potter, Quinan, Scarborough, Shepard, Taylor of Cass, Taylor of Houston, Throckmorton, Truitt, Walker and Whalley—22.

NAYS—Messrs. Lott and Russell—2.

On motion of Mr. Russell, the following House bills were severally taken up, read first and second times and referred as stated :

A bill authorizing and requiring the county Courts to regulate roads, appoint overseers, &c., &c. ; referred to the committee on Roads, Bridges and Ferries.

A bill for the relief of Geo. W. Newcome ; referred to the committee on Public Debt.

A bill to incorporate the Beneficiary Association of San Antonio ; referred to the committee on the Judiciary.

A bill for the relief of Goodwin Killian ; referred to the committee on Claims and Accounts.

A Joint Resolution instructing our Senators and requesting our Representatives in Congress, to use their influence to procure a line of mail coaches between Tyler and Waco ; referred to the committee on State Affairs.

House bill to restore Thomas Hoskins to his civil rights, was taken up and read first time.

On motion of Mr. McCulloch, the rule was suspended and bill read a second time, and passed to a third reading ; rule further suspended, bill read a third time and passed.

The House bill to amend an act to define the first Judicial District, and to fix the time of holding the District Courts therein, was taken up and read first time.

On motion of Mr. Quinan, rule suspended, and bill read a second time, and passed to a third reading ; rule further suspended, bill read a third time and passed.

A Joint Resolution for the relief of Hon. C. A. Frazer, and A. W. Terrell, was taken up and read first time.

On motion of Mr. Caldwell, the rule was suspended and bill read a second time ; rule further suspended, bill read a third time and passed.

A Joint Resolution instructing our Senators and requesting

our Representatives in Congress, on the subject of Indian spoliations, was taken up and read first time.

On motion of Mr. Throckmorton, rule suspended and bill read a second time.

On motion of Mr. Potter, the bill was amended by striking out "instructed" wherever it occurred, and inserting "requested."

The bill was then passed to a third reading.

On motion of Mr. Throckmorton, the rule was further suspended, bill read a third time and passed.

Mr. McCulloch made the following report :

The committee on Counties and County Boundaries, of the two Houses, sitting as a joint committee, have had under consideration numerous petitions for new counties, and the subject of county organizations and boundaries generally.

It is well known that from the irregular manner in which counties have heretofore been created, great difficulties, frequent conflicts of boundaries, and irritating contests for county seats have arisen, and must continue to arise unless the plan of creation be changed. In many cases counties have been established to suit individual interests in locating the county seats, in total disregard of existing boundary lines, and hence a large portion of the organized divisions of the State, as exhibited in counties on the map, present such a mass of irregular and confused lines as to bewilder the beholder. And thus, in many counties there have been local dissensions of serious character in relation to county seats ; and another result is, that each session of the Legislature is appealed to in the strongest terms for the formation of new counties, to be carved out of the corners and odds and ends of old counties, with petitions and counter petitions involving the most delicate local questions ; and experience abundantly proves that disputes growing out of such things are always exciting, and frequently destroy the peace and good neighborhood of the people interested, for years.

So far as the old counties are concerned, the evil has been inflicted, and cannot be remedied, except by special legislation, and in some cases that is impossible. But your committee, after mature consideration, and without a dissenting voice, have agreed upon a plan to avoid all such difficulties in the future organization of new counties on the frontier. They propose to embody in one bill all the counties now petitioned for, to which there is no objection in either House by

the delegations representing the territory ; and, as near as possible, to establish them with nine hundred square miles, and in square form.

They propose, in a second bill to create twenty-three counties on the frontier, extending from the south-western corner of the State to Red River, being one, and sometimes two counties deep, from counties otherwise existing. In fixing the boundaries of these, they have, where it could be done, made them thirty-miles square, and in both bills the metes and bounds are made to call for each other continuously, so that there cannot possibly arise a conflict of lines, now or hereafter. The west lines of the outside tier of counties, ten in number, as proposed, form a due north and south line from the Nueces to Red River, and it follows, that all the territory of the State north and west of that line, can hereafter be laid off into counties of nine hundred square miles and in square shape. The bill provides the circumstances under which, and the mode by which these counties may be organized, and provides a plan for locating their county seats, which will insure justice and permanence. It adopts, with two or three exceptions a uniform rule of naming the county towns to agree with the counties. The various names proposed, with perhaps three exceptions, are bestowed in compliment to deceased citizens of Texas or from the principal stream draining a particular county. La Salle, the discoverer of Texas, and ex-President Jones, (the only ex-president not heretofore so remembered,) and the aged and gallant Colonel Cheshire, though the two latter are living, are complimented in this way.

The committees earnestly recommend these two measures to the favorable consideration of the Legislature. There is no doubt but such a plan would encourage the settlement of the frontier. Men would then locate in such counties, knowing their limits and the position of the centre in each, information easily obtained from the Land Office or the Surveyor of the District. They would know, too, that the county lines were to be permanent ; because under the bill, the lines of one county are made dependent upon and connected with those of another in such manner that no change would ever be sought, or could be granted without affecting others.

As before stated, the bills embrace no limits about which there is any conflict or difference of opinion among those representing the territory, nor do they embrace any object but simply the creation and organization of the counties named in



them. The committees have avoided embarrassing a measure deemed of so much value and importance with any extraneous matter, or local contest, by embracing within either of the bills any county proposed to be taken from counties now settled, excepting the proposed counties of Hardin and Zapata, for which there is abundant territory.

Separate bills to create five of the eight counties provided for in the first bill have already been favorably reported upon in the one House or the other.

The committees, therefore, unanimously recommend the passage of the two accompanying bills, to-wit:

In response to petitions, and as a substitute for pending bills, to create Buchanan, Zapata, Archer, Hardin and Hamilton counties—

“A bill to create the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan.”

And, secondly, with a view to future organization—

“A bill to create the counties of Concho, Wichita, Coleman, Dawson, Shackelford, McMullen, Eastland, Frio, Callahan, Zavalla, Edwards, Haskell, Knox, Hardeman, Dimmit, Baylor, Runnels, Jones, Wilbarger, La Salle, Duval, Cheshire and Taylor.”

All of which is respectfully submitted.

H. E. McCULLOCH,  
Chairman of Senate's Committee.  
JOHN HENRY BROWN,  
Chairman House Committee.

On motion of Mr. McCulloch, a House bill to create the counties of Archer, Mason, Menard, Zapata, Hardin, Hamilton, Kimble and Buchanan, was taken up and read first time.

On motion of Mr. Scarborough, the Senate adjourned until to-morrow morning 10 o'clock.

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WEDNESDAY, January 13, 1858.

The Senate met pursuant to adjournment—Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

On motion of Mr. Taylor of Houston, Senator Whaley was added to the committees on which Senator Millican, his predecessor, had been placed.